UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1995/384
11 May 1995

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Reaffirming all its relevant resolutions, in particular resolution 971 (1995) of 12 January 1995,

Having considered the report of the Secretary-General of 1 May 1995 (S/1995/342),

Reaffirming its commitment to the sovereignty and territorial integrity of the Republic of Georgia,

Concerned that insufficient progress has been achieved towards a comprehensive political settlement,

Welcoming and encouraging continuing consultations regarding a new constitution for the Republic of Georgia based on federal principles in the context of a comprehensive political settlement,

Reaffirming the right of all refugees and displaced persons affected by the conflict to return to their homes in secure conditions in accordance with international law and as set out in the Quadripartite Agreement on voluntary return of refugees and displaced persons (S/1994/397, annex II), signed in Moscow on 4 April 1994, deploring the continued obstruction of such return by the Abkhaz authorities and underlining that return of refugees and displaced persons to the Gali region would be a welcome first step,

Expressing concern over the critical funding shortages which may result in suspension of important humanitarian programmes,

Recalling the conclusions of the Budapest summit of the Conference on Security and Cooperation in Europe (S/1994/1435, annex) regarding the situation in Abkhazia, Republic of Georgia,

Reaffirming the need for the parties to comply with international humanitarian law,

Noting that the Agreement on a Cease-fire and Separation of Forces signed in Moscow on 14 May 1994 (S/1994/583, annex I), has been generally respected by the parties over the past year with the assistance of the Commonwealth of Independent States (CIS) peace-keeping force and the United Nations Observer Mission in Georgia (UNOMIG), but expressing concern at the continued lack of a secure environment, in particular recent attacks on civilians in the Gali region,

Further expressing concern about the safety and the security of UNOMIG and CIS personnel and stressing the importance it attaches to their freedom of movement,

Stressing also the importance it attaches to restrictions on the number and type of weapons which may be borne by the parties in the security zone, and welcoming the intention of the Secretary-General to pursue this question with the parties,

Expressing its satisfaction with the close cooperation and coordination between UNOMIG and the CIS peace-keeping force in the performance of their respective mandates and commending the contribution both have made to stabilization of the situation in the zone of conflict,

Paying tribute to those members of the CIS peace-keeping force who have lost their lives in the exercise of their duties,

1. Welcomes the report of the Secretary-General of 1 May 1995;

2. Decides to extend the mandate of UNOMIG for an additional period terminating on 12 January 1996, subject to review by the Council in the event of any changes that may be made in the mandate of the CIS peace-keeping force;

3. Expresses its full support for the efforts of the Secretary-General aimed at achieving a comprehensive political settlement of the conflict, including on the political status of Abkhazia, respecting fully the sovereignty and territorial integrity of the Republic of Georgia, as well as for the efforts that are being undertaken by the Russian Federation in its capacity as facilitator to intensify the search for a peaceful settlement of the conflict, and encourages the Secretary-General to continue his efforts, with the assistance of the Russian Federation as facilitator, and with the support of the Organization for Security and Cooperation in Europe (OSCE), to that end;

4. Calls upon the parties to reach substantive progress in the negotiations under the auspices of the United Nations and with the assistance of the Russian Federation as facilitator and with participation of representatives of OSCE;

5. Urges the parties to refrain from any unilateral actions which could complicate or hinder the political process aimed at an early and comprehensive political settlement;

6. Reiterates its call to the Abkhaz side to accelerate significantly the process of the voluntary return of refugees and displaced persons by accepting a timetable on the basis of that proposed by the Office of the United Nations High Commissioner for Refugees, and to guarantee the safety of spontaneous returnees already in the area and regularize their status in accordance with the Quadripartite Agreement;

7. Welcomes the additional measures implemented by UNOMIG and the CIS peace-keeping force in the Gali region aimed at improving conditions for the safe and orderly return of refugees and displaced persons;

8. Calls upon the parties to improve their cooperation with UNOMIG and the CIS peace-keeping force in order to provide a secure environment for the return of refugees and displaced persons and also calls upon them to honour their commitments with regard to the security and freedom of movement of all United Nations and CIS personnel;

9. Requests the Secretary-General, in the context of paragraph 7 of resolution 971 (1995), to consider ways of improving observance of human rights in the region;

10. Reiterates its encouragement to States to contribute to the voluntary fund in support of the implementation of the Agreement on a Cease-fire and Separation of Forces signed in Moscow on 14 May 1994 and/or for humanitarian aspects including demining, as specified by the donors;

11. Encourages States to respond to the consolidated inter-agency appeal, in particular for the urgent needs of UNHCR, and welcomes all relevant humanitarian contributions of States;

12. Requests the Secretary-General to report every three months from the date of the adoption of this resolution on all aspects of the situation in Abkhazia, Republic of Georgia, including the operations of UNOMIG, and decides to undertake, on the basis of those reports, further reviews of the situation;

13. Decides to remain actively seized of the matter.

UNITED
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11 May 1995

ORIGINAL: ENGLISH

LETTER DATED 9 MAY 1995 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit the attached report, which was addressed to me on 9 May 1995 by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, concerning the operations of the International Conference's mission to the Federal Republic of Yugoslavia (Serbia and Montenegro).

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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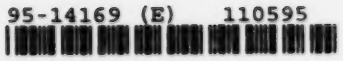

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Annex

Report by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia

In the report on the operations of the mission of the International Conference on the Former Yugoslavia to the Federal Republic of Yugoslavia (Serbia and Montenegro) that the Secretary-General transmitted to the Security Council on 13 April 1995 (S/1995/302, annex), reference was made to the issue of alleged helicopter flights crossing into the Federal Republic of Yugoslavia (Serbia and Montenegro). The report stated that "in view of the countervailing claims by senior officials of the Federal Republic of Yugoslavia (Serbia and Montenegro) as to the veracity of UNPROFOR technical data, it was agreed that experts should be asked to review the radar tapes for the period from 2 to 7 April".

The report of the expert inquiry, as submitted to the Co-Chairmen on 9 May 1995, is attached.

Appendix

Inquiry into unexplained radar traces between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina

Final report

I. BACKGROUND

1. Over 100 unexplained radar contacts have been reported since 9 October 1994 by airfield monitors of the United Nations protection force (UNPROFOR) (military observers) working at air traffic control radar screens at Surcin airport near Belgrade. The characteristics of these radar contacts are, according to the military observers, indicative of helicopters crossing the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina. Such crossings would constitute a serious violation of the measures ordered by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro). These allegations are denied by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), but it was agreed that the mission of the International Conference on the Former Yugoslavia carry out a review of the air traffic control tape recordings, together with military and civilian experts of the Federal Republic of Yugoslavia (Serbia and Montenegro). Consequently, the Co-Chairmen of the Steering Committee of the International Conference instructed the mission to carry out an inquiry into the unexplained radar traces. The Security Council, in resolution 988 (1995) of 21 April 1995, expressed concern over those reports, and noted that an investigation of those reports was being undertaken by the mission. A brief history of the events leading to the inquiry is contained in annex A. 1/

II. AIM

2. The aim of the inquiry was to attempt to resolve, as soon as possible, the issue regarding unexplained radar traces detected transiting between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina.

III. OUTLINE OF INQUIRY

Inquiry team

3. The inquiry team consisted of an existing mission member, as leader, and four analysts, one each from France, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America, attached as temporary members of the mission. Throughout the inquiry, the team members worked closely with a team of military and civilian experts from the Federal Republic of Yugoslavia (Serbia and Montenegro). The support and cooperation of all personnel of the Federal Republic of Yugoslavia (Serbia and Montenegro)

concerned with the inquiry was competent, thorough and open and those personnel provided the assistance that was requested by the inquiry team. The nominal role of the inquiry team and its counterparts from the Federal Republic of Yugoslavia (Serbia and Montenegro) is described in annex B.

Surcin airport radar facilities

4. The inquiry found that, to date, all detections had been made on the air traffic control radar screens at Surcin airport, Belgrade. The air traffic control radars providing the information to the airport are Thompson CSF LP23M and Westinghouse TPS-63. The radar screen displays are synthetic images and are automatically taped in accordance with regulations of the International Civil Aviation Organization (ICAO). Such tapes are required to be retained for a minimum of 30 days.

United Nations-reported violations

5. A list of all the United Nations-reported violations since 9 October 1994 is contained in annex C. However, only those tapes retained under the current ICAO 30-day rule could be expected to be made available. At a meeting of the Steering Group on 21 April 1995, the team leader requested that all existing tapes of interest not protected by the 30-day rule be retained, and this was agreed. At the start of the review, those tapes, as listed in annex D, were requested to be made available; this list represented all tapes within the 30-day period and those outside it that were of interest and known to exist at the current time. During the course of the inquiry, the inquiry team was apprised by the United Nations military observers that they had observed a possible border violation on 29 April 1995; this trace was added to the list of tapes for review.

Phases of the inquiry

6. The inquiry consisted of the following phases:

(a) Technical examination of the radar system;

(b) Review of the radar tapes;

(c) Examination of any relevant supporting or corroborative information.

IV. EXAMINATION OF RADAR

7. A technical examination of the radar and its supporting equipment was made to determine its general serviceability and the parameters of the system. Particular attention was paid to an assessment of its competence to track the type of target that was the subject of the inquiry. The equipment was found to be in a good state of serviceability and the parameters of the system were taken into consideration throughout the detailed examination of the tapes.

8. In outline, the system was designed and set for the air traffic control of the airspace of the Federal Republic of Yugoslavia (Serbia and Montenegro) and

the staff of the radar room was similarly concerned only with this discipline. No member of the staff is charged with the monitoring of unidentified radar traces crossing the border of the type that are the subject of the present inquiry. However, the duty supervisor is required to respond to an observation made by the duty United Nations military observer in such instances.

9. A detailed report on the technical examination is contained in annex E.

V. REVIEW OF TAPES

10. Each tape was reviewed by the inquiry team together with experts of the Federal Republic of Yugoslavia (Serbia and Montenegro), in the following sequence:

(a) The trace was identified according to the report of the United Nations military observers, and the tape run from a time ahead of its first appearance;

(b) Each appearance of the primary radar contact was recorded by its range, bearing and time from the data carried on the tape, and this continued until the trace faded;

(c) The data were converted into a trace on the map, and other relevant technical information was considered;

(d) The resulting trace was then discussed and an assessment made of the likelihood of it representing a flying object.

11. Only 24 of the 41 traces that were requested for review were actually viewed owing to unavailability of tapes, faulty tapes and tapes not reviewed by the decision of the inquiry team. The detailed analysis and debate of these 24 radar traces gave rise to suspicion in some cases that some unauthorized border crossings by slow flying objects might have taken place; this however would be impossible to prove or to disprove, given the limitations of the radar system, without other conclusive corroborative evidence. A detailed report on the review of each tape is contained in annex F.

VI. SUPPORTING/CORROBORATIVE INFORMATION

Authorized and recorded cross-border helicopter flights

12. The inquiry took note of those authorized casualty evacuation flights between the Federal Republic of Yugoslavia (Serbia and Montenegro) and the Republic of Bosnia and Herzegovina in order to make a comparison with the unexplained traces. It proved difficult to find the traces as the flights were not necessarily flying high enough to be detected by the radar. One of the flights, on 11 April 1995, was detected, but that part of its flight path that crossed the border was not visible, the trace becoming visible only when the helicopter was well inside the airspace of the Federal Republic of Yugoslavia (Serbia and Montenegro). In the event, it did give a clear indication of a

helicopter trace on the radar, which was substantially the same as some of the unexplained traces.

Additional ground-based sensors

13. There were no other ground-based sensors that could provide the inquiry with information that could corroborate the tape-recordings of the unexplained traces.

Monitoring Command Coordination Centre

14. On a general request for information, the Monitoring Command Coordination Centre (MCCC) at Zagreb was unable to provide the inquiry with corroborative information on the unexplained radar traces. During the detailed review of the tapes, that made for 6 April 1995 showed that a pair of North Atlantic Treaty Organization (NATO) fighters, on patrol over Bosnian airspace, appeared to react to intercept one of the unexplained radar traces. This has been checked with MCCC, which reported that the fighters had detected a radar track but were unable to make a visual identification. MCCC also reported that UNPROFOR troops on the ground reported sighting a helicopter north-west of the Srebrenica enclave at the same time. Whilst not providing absolute proof of a cross-border helicopter flight, it was considered highly suspicious by the inquiry.

Reports of the mission of the International Conference on the Former Yugoslavia

15. The headquarters of the monitor mission of the International Conference has issued specific instructions to its observer teams staffing both border crossing points and mobile patrols to carry out surveillance of the air border within the limits of their capability. At those times when reports of possible cross-border flights have been received, this requirement has been stressed to all personnel on their routine daily briefings. Limited operations have also been mounted by specially tasked mobile patrols at suspected times of increased air activity. All cross-border helicopter flights observed and reported by International Conference monitoring teams have later been confirmed as authorized or admitted casualty evacuation flights. There has been no recorded instance of mission observers visually witnessing cross-border flights suggested by the radar traces observed by the United Nations military observers or any other unauthorized cross-border flights.

VII. FINDINGS

16. The radar system displayed at Surcin airport has been set up and is calibrated for the air traffic control of the airspace of the Federal Republic of Yugoslavia (Serbia and Montenegro). The personnel staffing the radar room, with the exception of the United Nations military observers, are also there for air traffic control. Whilst the radar system was found to be fully serviceable and well-suited to its primary purpose, shortcomings were observed when used for detection of difficult targets flying at the limit of the radar's operational parameters and in the difficult terrain in the area where the majority of the unexplained traces have been seen. There were many sources of radar clutter

that could give rise to unexplained radar traces, which made accurate analysis very difficult. Whilst the system could indicate possible unexplained flying objects, it was difficult to prove or disprove that they were helicopters without other corroborating information.

17. The detailed analysis of unexplained traces does give rise to suspicion that some unauthorized border crossings by slow flying objects may have taken place in the past, but other evidence would be required to prove or to disprove conclusively each case. These flights, apart from a United Nations military observer report on an unexplained trace on 29 April 1995, which could not be reviewed by the inquiry, now appear to have stopped.

18. There was no other information available to prove that any of the unexplained radar traces were helicopters crossing the border. However the incident on 6 April 1995 was considered highly suspicious.

19. The International Conference monitoring mission, particularly at its current staffing level, does not have the capability to monitor effectively the closure of the air border.

Team leader _____

(Ian McLeod)

Team members _____

(Vadim V. Dikan)

_____

(Christian Lancieux)

_____

(Brian J. McLean)

_____

(Larry D. White)

5 May 1995

Notes

1/ The annexes are available for consultation with the Secretariat.

List of Annexes*

A. Brief history of events leading to the inquiry

B. Nominal role of the inquiry team and counterparts from the Federal Republic of Yugoslavia (Serbia and Montenegro)

C. List of violations reported by United Nations military observers since 9 October 1994

D. List of tapes requested for review

E. Technical characteristics of the radar system

F. Report on review of tapes

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* The annexes are available for consultation with the Secretariat.

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12 May 1995
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 5 MAY 1995 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I should like to draw your attention to Security Council resolutions 981 (1995), 982 (1995), 983 (1995) and 990 (1995), dated 31 March and 28 April 1995, by which the Council established the United Nations Confidence Restoration Operation in Croatia (UNCRO), the United Nations Protection Force (UNPROFOR) and the United Nations Preventive Deployment Force (UNPREDEP). It was in that context that the Security Council approved the recommendation, in paragraph 84 of my report (S/1995/222), for the establishment of United Nations Peace Forces headquarters (UNPF-HQ).

Having completed the necessary consultations, I am in a position to make a number of suggestions to you regarding the implementation of those resolutions.

For example, I suggest that the military contingents of UNCRO should at this stage be composed of personnel from the following countries, who are already deployed in Croatia: Argentina, Belgium, Canada, the Czech Republic, Denmark, Estonia, Jordan, Lithuania, Nepal, Poland and the Russian Federation. In addition, Ukraine has been invited to provide one helicopter squadron.

With regard to UNPROFOR, I propose that the present composition of the Force be maintained, with contingents from the following countries: Bangladesh, Belgium, Canada, Denmark, Egypt, France, Jordan, Malaysia, the Netherlands, New Zealand, Norway, Pakistan, the Russian Federation, Spain, Sweden, Turkey, Ukraine and the United Kingdom of Great Britain and Northern Ireland.

With respect to UNPREDEP, I also propose that the present composition be maintained. The contingents are from Denmark, Finland, Norway, Sweden and the United States of America.

As to UNPF-HQ, I suggest that it be composed of military personnel and support units from all the contingents referred to above, as well as Indonesia and Slovakia.

Lastly, I think it would be desirable to maintain the United Nations military observers, who will be deployed, as needed, throughout the three zones of operation of UNCRO, UNPROFOR and UNPREDEP. They come from the following

countries: Argentina, Bangladesh, Belgium, Brazil, Canada, Colombia, the Czech Republic, Denmark, Egypt, Finland, France, Ghana, Indonesia, Ireland, Jordan, Kenya, Malaysia, Nepal, the Netherlands, New Zealand, Nigeria, Norway, Pakistan, Poland, Portugal, the Russian Federation, Spain, Sweden, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Venezuela.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

UNITED NATIONS **S**

Security Council

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S/1995/387
12 May 1995
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 11 MAY 1995 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to refer to your letter dated 5 May 1995 (S/1995/386), containing suggestions for the implementation of Security Council resolutions 981 (1995), 982 (1995), 983 (1995) and 990 (1995), of 31 March and 28 April 1995, by which the Council established the United Nations Confidence Restoration Operation in Croatia (UNCRO), the United Nations Protection Force (UNPROFOR) and the United Nations Preventive Deployment Force (UNPREDEP), and approved the recommendation, in paragraph 84 of your report (S/1995/222), for the establishment of United Nations Peace Forces headquarters (UNPF-HQ).

The members of the Council have taken note of your suggestions regarding the composition of the military contingents of UNCRO, UNPROFOR and UNPREDEP, and the proposed composition of UNPF-HQ, as well as your desire to maintain the United Nations military observers as currently composed, to be deployed, as needed, in the three zones of operation of UNCRO, UNPROFOR and UNPREDEP. They agree with the proposal contained in your letter.

(Signed) Jean-Bernard MERIMEE
President of the Security Council

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S/1995/388
12 May 1995

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LETTER DATED 12 MAY 1995 FROM THE PERMANENT OBSERVER OF PALESTINE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to request that, in accordance with its previous practice, the Security Council invite Mr. Nasser Al-Kidwa, Permanent Observer of Palestine to the United Nations, to participate in the current debate of the Security Council with regard to the situation in the occupied Arab territories, including Jerusalem, and the latest illegal Israeli action in Jerusalem.

(Signed) Mr. Nasser AL-KIDWA
Permanent Observer of Palestine
to the United Nations

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General Assembly
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A/49/900
S/1995/389
12 May 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 39
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 12 May 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 11 May 1995 from H.E. Mr. Alija Izetbegovic, President of the Republic of Bosnia and Herzegovina, addressed to you.

May I ask for your kind assistance in distributing this letter and its attachment as a document of the General Assembly under agenda item 39 and of the Security Council.

(Signed) Ivan Z. MISIC
Deputy Permanent Representative
Chargé d'affaires a.i.

95-14431 (E) 120595 150595

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Annex

Letter dated 11 May 1995 from the President of the Republic of Bosnia and Herzegovina addressed to the Secretary-General

At the joint session of the Presidency and the Government of the Republic of Bosnia and Herzegovina reviewing the recent deterioration of the political and humanitarian situation in the Republic of Bosnia and Herzegovina, it was decided that we request you to undertake the following:

1. To take a decision, by announcement, urgently to open the Sarajevo airport for humanitarian flights, as well as to open the section of the blue route from Butmir to Dobrinja.

2. To halt immediately the transfer of the Serb population from Western Slovenia into Bosnia and Herzegovina.

You will recall that your Special Representative, Mr. Yasushi Akashi has offered support for this action and for the United Nations to facilitate logistically this transfer of Croatian Serbs into the Republic of Bosnia and Herzegovina, as well as the armed Serb soldiers.

This illegal action has been followed by the expulsion of the Bosniac and Croat populations from the Serb-occupied parts of the Republic of Bosnia and Herzegovina.

According to all norms of international law, this is a specific form of genocide by means of forcibly changing the ethnic composition of territories under temporary occupation by the aggressor, which should not in any way be supported by the United Nations.

We consider the two above-mentioned points as the minimum measures to be undertaken by those heading the United Nations administration in order to respond to blackmail and blatant disregard for norms of the international world political order.

I take this opportunity to inform you that the citizens of Sarajevo and other safe areas have been, day in day out, targets of renewed Serbian artillery attacks.

You must have knowledge of who prevented the recent action by airplanes of the North Atlantic Treaty Organization (NATO) and why, which has effectively only further emboldened the Serbs to continue with impunity to kill the civilian population in the safe areas.

Because of the urgency of this letter, I forward it to you via Ambassador Muhamed Sacirbey, Permanent Representative of the Republic of Bosnia and Herzegovina to the United Nations. I kindly ask for your assistance in conveying the contents of this letter to the participants in tomorrow's meeting in Paris, called to review the United Nations mission in Bosnia and Herzegovina.

(Signed) Alija IZETBEGOVIC

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S/1995/389/Corr.1
17 May 1995

ARABIC, ENGLISH AND
SPANISH ONLY

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 39
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 12 May 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

Corrigendum

Page 2, annex

Paragraph 2

For Western Slovenia read Western Slavonia

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UNITED
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S/1995/390
12 May 1995

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN TAJIKISTAN

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 4 of Security Council resolution 968 (1994) of 16 December 1994. It provides an account of the situation in Tajikistan and the activities of the United Nations Mission of Observers in Tajikistan (UNMOT) since my last report of 4 February 1995 (S/1995/105).

II. NEGOTIATING PROCESS

2. Since the third round of inter-Tajik talks held in Islamabad at the end of October 1994, the negotiating process has faced a stalemate. In order to revitalize the negotiations, during the temporary absence of my Special Envoy for Tajikistan, Mr. Ramiro Piriz-Ballon, I asked Under-Secretary-General Aldo Ajello to undertake consultations with the Russian Federation, the Government of Tajikistan and the Tajik opposition. Mr. Ajello visited Moscow from 24 to 27 February, Dushanbe on 28 February and 1 March and Islamabad from 2 to 4 March. As a result of those consultations, the cease-fire agreement was extended until 26 April 1995. Progress was made in addressing some of the problems that the opposition presented as preconditions for holding the next round of inter-Tajik talks in Moscow. Most notably, the Russian Foreign Ministry agreed to issue a statement recognizing the validity of the agreement on the temporary cease-fire and cessation of other hostile acts of 17 September 1994 (the "Tehran agreement") (S/1994/1102, annex I) for the Russian border guards and servicemen of the Collective Peace-keeping Forces of the Commonwealth of Independent States (CIS) in Tajikistan. However, such issues as the agenda, time and venue for the fourth round of negotiations remained unresolved and the opposition continued to insist on various conditions, particularly the withdrawal of 350 Tajik government soldiers deployed in Gorno-Badakshan in violation of the Tehran agreement.

3. In early April 1995, my Special Envoy undertook new consultations with the Tajik parties and Governments in the region to clear the way for the next round of negotiations. As a result of his discussions in Moscow and Dushanbe, an

understanding was reached that 350 Tajik government soldiers deployed in Gorno-Badakshan would withdraw by 10 April 1995. The main obstacle to the early resumption of negotiations would thus have been removed. However, after the attack by the opposition on a convoy of the Russian border forces on 7 April 1995, the Tajik Government withdrew from this understanding.

4. In an effort to stop the ensuing escalation of hostilities and to bring about the fourth round of inter-Tajik talks, my Special Envoy arranged for a meeting with the Chairman of the Islamic Revival Movement of Tajikistan, Mr. Abdullo Nuri, to be held on 10 April at the latter's headquarters in Talokan in northern Afghanistan. However, a land-mine exploded under a truck of the Russian border forces shortly before Mr. Piriz-Ballon's convoy was to pass en route to boarding a ferry in Nizhniy Pyanj. During the following three hours, the Russian border forces defused two other land-mines in the area but declared themselves unable to ensure the safety of the convoy and refused it permission to continue its journey.

5. My Special Envoy was thus unable to proceed to Talokan but he spoke to Mr. Nuri by short-wave radio from Dushanbe. They eventually agreed that high-level consultations of the two Tajik parties would be held in Moscow as soon as possible and without preconditions, to reach agreement on the agenda, time and venue for the fourth round of inter-Tajik talks, extend the Tehran agreement and prevent further escalation of fighting.

6. Those consultations were held in Moscow under the auspices of the United Nations from 19 to 26 April 1995, with the participation, as observers, of Afghanistan, the Islamic Republic of Iran, Kazakhstan, Kyrgyzstan, Pakistan, the Russian Federation and Uzbekistan. The delegation of the Government of Tajikistan was headed by the First Deputy Prime Minister, Mr. Mahmadsaid Ubaidulaev, and the delegation of the Tajik opposition by the First Deputy Chairman of the Islamic Revival Movement of Tajikistan, Mr. Akbar Turajonzodah. The consultations ended with a joint statement, which has been circulated under cover of a letter from the Permanent Representative of the Russian Federation (S/1995/337).

7. The main results of the consultations in Moscow can be summarized as follows:

(a) The two sides reconfirmed their commitment to settling the conflict and achieving national reconciliation in the country through exclusively peaceful political means on the basis of mutual concessions and compromise;

(b) In order to enhance the effectiveness of the Tehran agreement, the two sides agreed to include a number of additions to its text. The most important stipulates that all the provisions of the Tehran agreement would be binding for the opposition groups in the territory of Afghanistan, with the understanding that the Joint Commission and United Nations military observers would carry out monitoring functions in the territory of that country when they received the official agreement of the Afghan authorities. The revised text of the agreement is annexed to the present report;

(c) In the context of strengthening the cease-fire, the two delegations welcomed the statement by the Ministry of Foreign Affairs of the Russian Federation, which provides that the Russian border guards and Russian servicemen in Tajikistan with the Collective Peace-keeping Forces of CIS, respecting and recognizing the agreements of the Tajik parties, will not violate them in carrying out their functions;

(d) The validity of the Tehran agreement of 17 September 1994 was extended by one month until 26 May 1995. My Special Envoy had pressed for an extension by six months but the opposition did not accept that so long as the Government refused to withdraw its 350 soldiers from Gorno-Badakshan. After lengthy discussions, the parties agreed to consider the questions related to redeployment and relocation of forces before the fourth round of inter-Tajik talks;

(e) President Rakhmonov and the leader of the Tajik opposition, Mr. Nuri, agreed to meet before the fourth round of inter-Tajik talks. President Rabbani of Afghanistan has offered Kabul as the venue for this meeting;

(f) Agreement was reached on measures to strengthen the role of the Joint Commission. The two parties decided to expand the Commission's membership to 14 (7 each). They confirmed their obligation to provide material and technical assistance to the Commission, as set forth in the protocol to the Tehran agreement. At the same time, the two parties appealed to the States Members of the United Nations to provide financial support to the Joint Commission through the Trust Fund established by the United Nations. The parties noted the importance of regular access by the Commission members to the mass media (at least twice a month) and the possibility for citizens to contact Commission members anonymously;

(g) Finally, the two parties agreed to hold the fourth round of inter-Tajik talks in Almaty beginning on 22 May 1995 and to include on the agenda of the talks the fundamental institutional issues and consolidation of the statehood of Tajikistan, as set forth during the first round of inter-Tajik talks held in Moscow in April 1994.

III. MAINTENANCE OF THE CEASE-FIRE AND ACTIVITIES OF THE UNITED NATIONS MISSION OF OBSERVERS IN TAJIKISTAN

8. The situation in Tajikistan remained relatively quiet until the first week of April 1995. However, the period was marked by increasing tension arising from attempts at infiltration by opposition fighters from Afghanistan and the continued presence of Tajik government troops in Gorno-Badakshan, where they had been deployed in early January. The deployment of those troops and infiltration across the border are prohibited by the Tehran agreement

9. During this period, numerous smaller incidents were reported to UNMOT, which carried out 32 investigations, either independently or together with the Joint Commission. Many of the incidents were such that it could not be determined whether they were hostilities between the Government and the opposition or actions in a different context. However, UNMOT confirmed three

instances of violations of the Tehran agreement: on 23 March, Tajik government troops were deployed to Khihchon and Dashti-sher in Garm district; on 29 March, a company of the Tajik Armed Forces participated in a training exercise of the CIS Collective Peace-keeping Forces; and on 30 March, fighting occurred between opposition fighters and Government forces in the Yasmand canyon, in Garm district. UNMOT reported these violations to the Joint Commission and raised them with the party concerned, including the Russian authorities in the case of the training exercise.

10. Beginning on 7 April 1995, the situation deteriorated and the cease-fire was repeatedly broken in a series of violent incidents, involving attacks by Tajik opposition fighters against the Russian border forces and retaliation, at times harsh and indiscriminate, by those forces against targets on Afghan territory:

(a) On 7 April a convoy of 180 members of the Kazakh contingent of the Russian border forces was ambushed by opposition fighters, east of Kalaikhumb in Gorno-Badakshan. Twenty soldiers were reported killed and 26 injured;

(b) On 8 and 9 April, opposition fighters attacked the Russian border forces in Dashti-Yazgulem in Gorno-Badakshan;

(c) On 8 April, the Russian border forces in Pyanj reported an infiltration attempt by 30 members of the opposition, to which they reacted with rocket fire;

(d) On 9 and 10 April, fighting took place between the Russian border forces and the opposition in Kalot in Gorno-Badakshan;

(e) On 10 April, opposition fighters attacked the Russian border forces barracks at Vanj, east of Kalaikhumb. Intermittent fighting continued until 16 April;

(f) On 13 April, Russian aircraft bombed Talokan in northern Afghanistan, causing a large number of civilian casualties and heavy damage in the city. On 18 April, members of the Joint Commission and UNMOT visited Talokan to interview witnesses and survey the damage caused by the bombing;

(g) On 13 April, opposition fighters attacked a convoy of the Russian border forces about 15 kilometres north of Khorog.

Those hostilities caused numerous casualties on both sides. There were also reports of other incidents but they could not be corroborated.

11. On 10 April, the opposition released in Khorog 36 wounded members of the Russian border forces whom they had taken prisoner.

12. The situation has been quieter since the third week of April. The Russian border forces report almost daily infiltration attempts in the Pyanj area by small groups of two or three at a time. The border forces counter these attempts by frequent shelling across the river.

Joint Commission

13. In March, the opposition announced that it would withdraw from the Commission if the Government did not remove by 31 March the 350 soldiers it had deployed to Gorno-Badakshan and proceeded with the planned participation of government troops in the training exercises of the CIS Collective Peace-keeping Forces on 29 March. Although the decision to withdraw from the Commission was suspended, following the announcement of my Special Envoy's visit to the area, three of the four representatives of the opposition on the Joint Commission left Dushanbe in late March. Except for the investigation in Talokan on 18 April, the Commission has since been inactive.

14. In accordance with the protocol to the Tehran agreement, the Tajik Government is responsible for providing accommodation and logistic support for the Joint Commission on Tajik territory and the opposition on Afghan territory. Such support has been inadequate and this has remained a serious impediment to the effective functioning of the Commission. The CIS Collective Peace-keeping Forces have not provided logistic support, as had been hoped. The United Kingdom of Great Britain and Northern Ireland has contributed $54,000 to the Trust Fund established to support the Joint Commission, while the United States of America has announced its readiness to contribute $28,000. The modalities of that contribution are currently being worked out.

15. As reported earlier, the parties have decided to strengthen the Joint Commission and have confirmed their obligation to provide it with material support.

Liaison

16. UNMOT has maintained close liaison with the parties as well as with the CIS forces and the Russian border forces on matters relating to the maintenance of the cease-fire. In late March, UNMOT established a radio link with the opposition's headquarters in Talokan in northern Afghanistan. This link has greatly facilitated communications with the opposition and was instrumental in arranging the high-level consultations in Moscow at the end of April. UNMOT also provided political liaison and coordination for humanitarian assistance to Tajikistan. The economic situation continued to be very difficult, especially in the areas of Pyanj, Garm and Gorno-Badakshan.

Organizational aspects

17. As of 1 May 1995, UNMOT personnel numbered 69 over all, including 36 military observers from Austria (5), Bangladesh (7), Bulgaria (4), Denmark (4), Hungary (1), Jordan (5), Poland (1), Switzerland (1), Ukraine (3) and Uruguay (5), and 33 civilian staff. Mr. Darko Silovic succeeded Mr. Liviu Bota as Head of Mission in mid-March. Brigadier-General Hasan Abaza of Jordan continued as Chief Military Observer. In addition to its headquarters in Dushanbe, UNMOT maintained field stations in Garm, Kalaikhumb, Khorog, Kurgan-Tube, Moskovskiy and Pyanj (see map).

IV. OBSERVATIONS

18. During the past three months, a number of factors combined to create serious difficulties for the political process that the United Nations is trying to promote in Tajikistan. These factors include the Government's position regarding the deployment of its troops to Gorno-Badakshan, the manner in which it carried through the elections on 26 February, the refusal of the opposition to participate in elections even if they were postponed, its attempt to introduce preconditions to the holding of the fourth round of negotiations, its de facto withdrawal from the Joint Commission and, finally, the escalation of hostilities in April.

19. The consultations in Moscow at the end of April should be seen against that background. The extension and strengthening of the cease-fire, the important statement by the Russian authorities recognizing the validity of the Tehran agreement for the Russian forces in Tajikistan and the agreement on the fourth round of negotiations are steps in the right direction and contribute to dispelling the doubts that have arisen about the readiness of the parties to the conflict to settle their differences by peaceful political means. This result provides grounds for continuing United Nations efforts and maintaining UNMOT. I shall inform the Security Council on the results of the fourth round of inter-Tajik talks.

20. However, progress has yet to be achieved on the substantive issues that divide the parties. In Moscow, my Special Envoy conveyed in the clearest possible terms the view of the United Nations that the primary responsibility for resolving their differences rests with the Tajik parties themselves and that the continued involvement and presence of the United Nations in Tajikistan depends on the manner in which the parties discharge that responsibility. Our expectations in this regard now focus on the forthcoming fourth round of negotiations and the planned meeting between President Rakhmonov and Mr. Nuri.

21. In the meantime, the situation in Tajikistan remains tense, particularly on the border with Afghanistan. I appeal to the Tajik parties to comply strictly with the obligations they have assumed to implement fully the Tehran agreement and to refrain from any steps that could aggravate the existing situation or complicate the peace process at this critical juncture. In this connection, I wish to underline the need to strengthen the Joint Commission, as decided in Moscow, and to enable it to assume the central role envisaged for it in the Tehran agreement. I call on the authorities and forces operating in the region to cooperate fully with the Joint Commission and UNMOT in the discharge of their important responsibilities.

Annex

Agreement on a Temporary Cease-fire and the Cessation of other Hostile Acts on the Tajik-Afghan Border and within the Country for the Duration of the Talks

Revised text

The delegations of the leaders of the Republic of Tajikistan and the Tajik opposition (hereinafter referred to as "the Parties"), in the course of the consultations on national reconciliation held in Tehran from 12 to 17 September 1994 under United Nations auspices, as a major step towards a global political settlement of the conflict, national reconciliation and the solution of the problem of refugees, the constitutional system and the consolidation of the statehood of the independent and sovereign Republic of Tajikistan, have agreed:

1. To halt, on a temporary basis, hostilities on the Tajik-Afghan border and within the country.

2. The Parties have agreed that the concept of "cessation of hostilities" shall include the following:

(a) The cessation by the Parties of all military activities, including all violations of the Tajik-Afghan border, offensive operations within the country, the shelling of adjacent territories, the conduct of all forms of military training, the redeployment of regular and irregular military formations in Tajikistan and in the territory of the Islamic State of Afghanistan, which might result in the breakdown of this Agreement. The Joint Commission and the United Nations military observers will carry out monitoring functions in the territory of the Islamic State of Afghanistan when they have received the official agreement of the Afghan authorities;

Note: The Collective Peace-keeping forces of the Commonwealth of Independent States and the Russian troops in Tajikistan shall carry out their duties in keeping with the principle of neutrality, which is part of their mandate, and shall cooperate with United Nations military observers.

(b) The cessation by the Parties of acts of terrorism and sabotage on the Tajik-Afghan border, within the Republic and in other countries;

(c) The prevention by the Parties of murders, the taking of hostages, unlawful arrest and detention, searches for political reasons, and acts of pillage against the civilian population and servicemen in the Republic and other countries;

(d) The prevention of actions to disable or blockage national economic, military and other installations, populated areas and all means of communication;

(e) The cessation of the use of all forms of communication and mass media, printed materials and audio and video cassettes to undermine the process of national reconciliation;

(f) The Parties shall refrain from using religion and the religious feelings of believers, as well as any ideology, for hostile purposes.

3. The Parties have agreed to a temporary cease-fire and the cessation of other hostile acts on the Tajik-Afghan border and within the country until the referendum on the draft of the new constitution and the election of the president of the Republic of Tajikistan, on the understanding that this is only a first step towards the achievement of national harmony and the settlement of all issues included in the agenda of the talks.

4. With a view to building confidence, the Parties have agreed that, within one month following the signing of this Agreement:

(a) The authorities of the Republic of Tajikistan shall release those who have been arrested and sentenced, in conformity with the list annexed hereto;

(b) The Tajik opposition shall release the prisoners of war in conformity with the list annexed hereto.

5. With a view to ensuring the effective implementation of this Agreement, the Parties have agreed to establish a Joint Commission consisting of representatives of the Government of the Republic of Tajikistan and the Tajik opposition. The Parties request the Security Council of the United Nations to assist the work of the Commission by providing political mediation services and dispatching United Nations military observers to the areas of conflict.

6. This Agreement was signed at Tehran on 17 September 1994 and shall enter into force as soon as United Nations observers are deployed in Tajikistan.

Head of the delegation
of the Republic of Tajikistan:

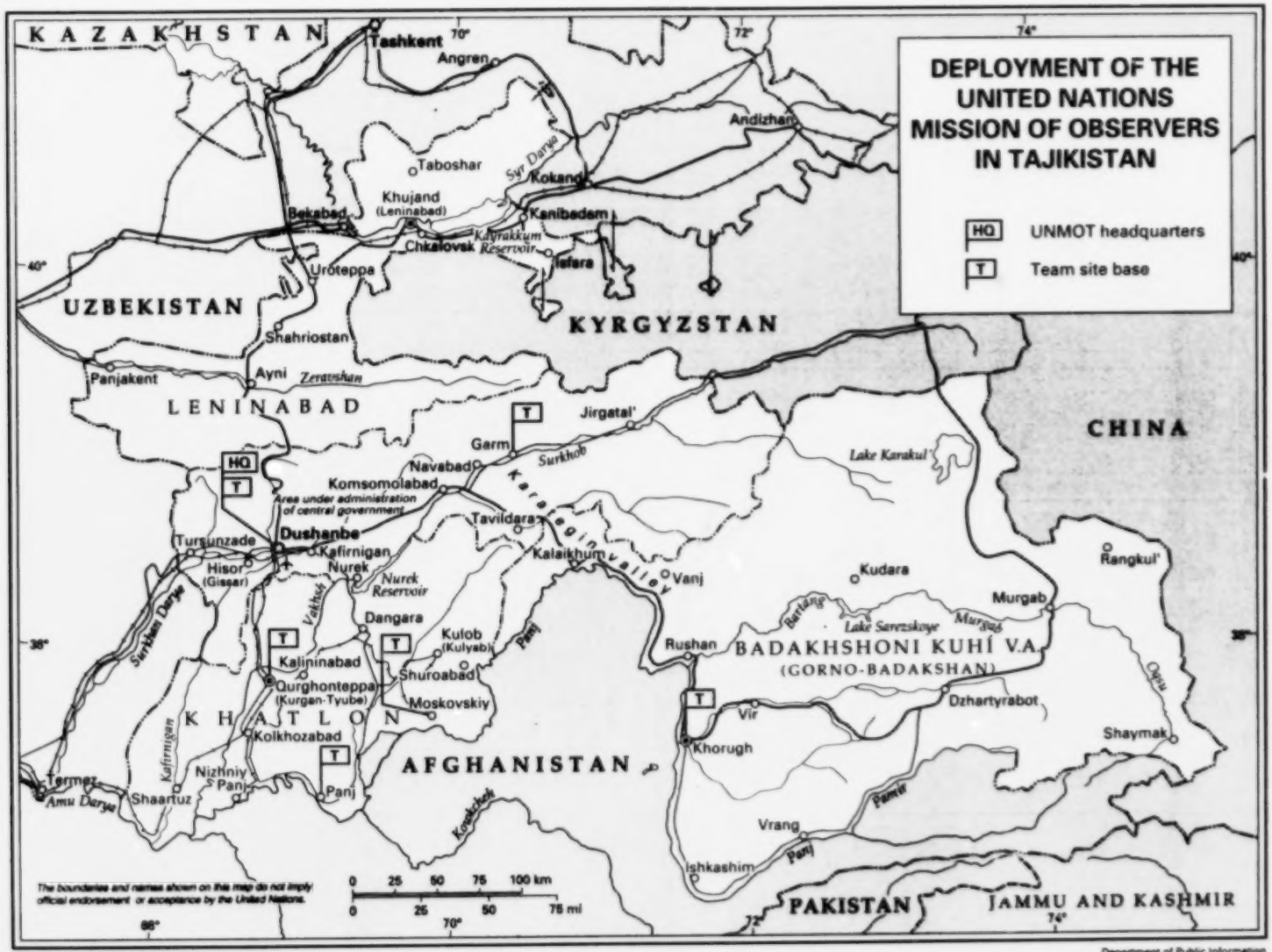
A. DOSTIEV

Head of the delegation
of the Tajik opposition:

A. TURAJONZODA

Special Envoy of the Secretary-General
of the United Nations:

R. PIRIZ-BALLON



Map No. 3887 UNITED NATIONS
April 1995

Department of Public Information
Cartographic Section

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1995/391
16 May 1995

ORIGINAL: ENGLISH

LETTER DATED 16 MAY 1995 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon the instructions of the President of the Presidency of the Republic of Bosnia and Herzegovina, we direct the following facts and considerations to the Security Council.

At approximately 8.40 a.m. Sarajevo time, the besieging Serbian forces launched a multi-pronged and multifaceted assault upon both the defensive lines of Sarajevo and its population. As of the time of this letter, 6.00 p.m. Sarajevo time, the attack continues unabated.

The direct shelling and sniping of civilians has already accounted for a large number of casualties including murdered children. The number of heavy projectiles fired into Sarajevo by the Pale Serbs has eclipsed our capacity to keep exact numbers but certainly exceeds several hundred. At least some of the fired projectiles came from heavy weapons recently taken from the United Nations collection points. All of the heavy weapons used in this attack, by definition of course, violate the now largely fictionary "exclusion zone" around Sarajevo.

Simultaneously timed, the Serbian forces have also launched a two-pronged artillery and infantry assault upon the defensive lines of the government forces protecting the city. From the north of the city, the Serbians have opened a 4 to 5 kilometre front. From the south of the city, the attackers have opened up to a 6 kilometre front with even greater intensity.

This coordinated offensive operation by the Serbian forces could not have been initiated without substantial advance preparation. It appears to be part of a concerted plan of action employed by the besieging Serbian forces in increasing their strangulation of the city over the last several weeks.

We also have information that UNPROFOR has been targeted within the city environs, of course, without any response yet.

At least some United Nations functionaries are implying in their wide-ranging comments to the media that the Bosnians have provoked the Serbian assault, and, therefore, that this justifies a "no-response" attitude from UNPROFOR and NATO. Let us be clear on the following:

1. President Izetbegovic has personally informed me that the Army of the Republic of Bosnia and Herzegovina has not engaged in offensive actions, consistent with our commitment made on 30 April 1995 that we would not undertake offensive military action.

2. The multi-pronged and coordinated attack upon the civilian population of, and defensive positions guarding, Sarajevo could only have been initiated after substantial preparation, and is another escalation of the tightening noose around Sarajevo. For several weeks now, while emphasizing their rejection of the Contact Group plan, Karadzic, and other extremist Serbian leaders, have been promising a new resolve in pursuing military solution for all of Bosnia and Herzegovina, and Sarajevo, in particular.

3. The failure of UNPROFOR and, by extension, NATO to respond to this noose that has been tightening daily in front of all of us can only be deemed a contributing factor to the current dramatic situation.

4. Blaming the defenders for the current assault may serve the dubious purposes of some who want to escape responsibility for non-action and the ever-worsening consequences.

5. The International War Crimes Tribunal for the former Yugoslavia has recently officially indicted some and accused others, particularly Karadzic and Mladic, of war crimes including for the shelling and sniping of civilians in Sarajevo and other towns. Those, including United Nations officials, that somehow rationalize the targeting of civilians by referring to fictitious or real Bosnian "provocation" not only ignore the documented evidence of the ever-tightening Serbian noose, but also seem to equate the targeting of civilians with military objectives. These rationalizations may serve the purpose of both soothing consciences and attempting to justify the failure to respond to the attacks upon the safe area/exclusion zone of Sarajevo as mandated. But one final caution: war crimes cannot be rationalized by fictitious or real provocations, and those that employ such rationalization are on the verge of a free fall into a moral and legal chasm which has already swallowed Karadzic and Mladic.

The people of Sarajevo find noxious the tired commentary of United Nations spokesmen repeating the often abused line "both parties have resorted to a military solution". First, the Government of the Republic of Bosnia and Herzegovina has agreed to the Contact Group peace plan while the Pale Serbs have not. Second, the death of civilians that are specifically targeted in Sarajevo and other places cannot be thus rationalized. These civilians are the victims of war crimes and not military options. They were neither combatants nor bystanders, but the targets of terrorism, whether in Sarajevo, London or Oklahoma City.

Finally, Mr. President, once again emphasizing our commitment not to undertake military offensive action, we also must counter with the obvious position that we cannot, in the future, continue to stand by while the besieging Serbian forces tighten the noose and those mandated to respond only scurry for excuses to justify inaction. Our responsibility to our population, sovereignty

and territorial integrity does not allow us to ignore the reality and to find comfort in fiction.

May I ask Excellency for your kind assistance in distributing this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1995/392
16 May 1995
ENGLISH
ORIGINAL: ENGLISH/FRENCH

LETTER DATED 16 MAY 1995 FROM THE PERMANENT REPRESENTATIVE OF MOROCCO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to submit herewith the statement adopted on 15 May 1995 by the Contact Group on Jammu and Kashmir of the Organization of the Islamic Conference on the destruction of the holy places and mosque at Charar-i-Sharif.

I should be grateful if you would have the statement circulated to the members of the Security Council and issued as a Security Council document.

(Signed) Ahmed SNOUSSI
Ambassador
Chairman of the Group of States
members of OIC

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ANNEX

STATEMENT OF OIC CONTACT GROUP ON JAMMU AND KASHMIR ON THE DESECRATION AND DESTRUCTION OF THE CHARAR-I-SHARIF SHRINE AND MOSQUE COMPLEX

1. In a meeting held at the United Nations, in New York on 15 May 1995, the Contact Group on Jammu and Kashmir of the Organization of the Islamic Conference, considered the serious situation that has arisen because of the desecration and destruction of the Shrine of Sheikh Nooruddin Noorani, the large mosque adjacent to it and a Madrassah (institution of learning) by a large number of armed Indian military personnel. The Contact Group stated that the wanton act of sacrilege of the 535-year-old holy shrine, built in 1460, and a mosque adjacent to it, on the auspicious occasion of Eid-ul-Azha, has profoundly shocked the Muslims all over the world.

2. The OIC Contact Group on Jammu and Kashmir strongly condemned the brutal Indian military operation against the peaceful residents of Charar-i-Sharif which had resulted in killing of scores of innocent civilians, the burning down of some 1,000 houses, and attacks against their religious and cultural heritage.

3. The OIC Contact Group on Jammu and Kashmir regretted that the concern and alarm at the siege of the Shrine expressed earlier and the OIC Secretary General's appeals to lift the siege were not heeded by the Indian Government. It expressed its deep anxiety that some Indian leaders, after the desecration of the mosque and shrine by the Indian armed personnel, had threatened use of force against Azad Kashmir. The Contact Group deplored that the desecration of the holy places of Muslims in India had become a patter over the years. It recalled that earlier in 1992, the Babri Mosque at Ayodhya was demolished and destroyed by the Hindu fanatics.

4. The Contact Group noted that the desecration of the Charar-i-Sharif Mosque and the Shrine had led to massive peaceful demonstrations throughout Jammu and Kashmir and that the Indian authorities had imposed curfew in Srinagar and several other towns in an effort to prevent the expression of protest against this latest assault on the religious sentiments of the Kashmiri people.

5. The Members of the Contact Group urged the Indian Government to withdraw their forces from Charar-i-Sharif and take other immediate steps to mitigate the effects of the desecration of the Mosque and the Shrine. They called on the Indian Government to desist from repeating such actions and to respond to the aspirations of the people of Kashmir in the interest of peace and security in the region.

6. The Contact Group, reaffirming the OIC resolution on Jammu and Kashmir adopted at the Seventh Islamic Summit held in Casablanca, expressed total solidarity with the Kashmiri people. It urged the United Nations Secretary-General to take due cognizance of the threat to the regional peace and security posed by the deteriorating situation in Kashmir, particularly by the desecration and destruction of the Charar-i-Sharif Mosque and Shrine. It also appealed to the President of the Security Council to take note of the situation and to bring

the matter to the attention of members of the Security Council for appropriate action.

UNITED NATIONS **S**

Security Council

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S/1995/393
16 May 1995

ORIGINAL: ENGLISH

LETTER DATED 16 MAY 1995 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

This last Friday in the Banja Luka region another priest and a nun were murdered by Bosnian Serb paramilitary troops and then let to burn in the Church at Presnaci. That church has been finally razed. Sadly, among many other casualties of that sort, it is also the fourth church which has been destroyed in three weeks.

All these events are confirmed by UNHCR spokesman Chris Janowski, who first had to face the refusal of the local Serbian police to access these damaged and cleansed areas. The Council of Bishops of Sarajevo has also confirmed what happened in the Banja Luka region.

We believe that nothing else needs to be added except your prompt response.

May I ask, Excellency, for your kind assistance in distributing this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

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Security Council

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GENERAL

S/1995/394
17 May 1995

ORIGINAL: ENGLISH

Botswana, Honduras, Indonesia, Nigeria, Oman and Rwanda: draft resolution

The Security Council,

Reaffirming its previous resolutions on the status of Jerusalem, including resolutions 252 (1968), 267 (1969), 271 (1969), 476 (1980), 478 (1980) and 672 (1990),

Expressing concern over the recent declaration of Israeli expropriation orders of 53 hectares of land in East Jerusalem,

Reaffirming the applicability of the Fourth Geneva Convention of 12 August 1949 to all territories occupied by Israel since 1967, including Jerusalem,

Aware of the negative impact of the above-mentioned expropriation on the Middle East peace process, which started in Madrid in October 1991 on the basis of Security Council resolutions 242 (1967) and 338 (1973),

Aware also that in the Declaration of Principles of 13 September 1993 Israel and the Palestine Liberation Organization agreed to postpone negotiations on final status issues, including Jerusalem, until the second stage of the peace process,

Determined to provide the necessary backing to the Middle East peace process,

1. Confirms that the expropriation of land by Israel, the occupying Power, in East Jerusalem is invalid and in violation of relevant Security Council resolutions and provisions of the Fourth Geneva Convention of 12 August 1949;

2. Calls upon the Government of Israel to rescind the expropriation orders and to refrain from such action in the future;

3. Expresses its full support for the Middle East peace process and its achievements, including the Declaration of Principles of 13 September 1993 as well as the following implementation agreements;

4. Urges the parties to adhere to the provisions of the agreements reached and to follow up with the full implementation of those agreements;

5. Decides to remain seized of the matter.

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Security Council

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S/1995/395
17 May 1995
ENGLISH
ORIGINAL: ENGLISH/FRENCH/
RUSSIAN

France, Germany, Italy, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous resolutions on the conflicts in the territory of the former Yugoslavia and in particular resolutions 981 (1995) of 31 March 1995, 982 (1995) of 31 March 1995 and 990 (1995) of 28 April 1995,

Deeply concerned that the objectives set out in the statements of the President of the Security Council of 1 May 1995 (S/PRST/1995/23) and of 4 May 1995 (S/PRST/1995/26) have not been implemented in all their aspects and that the agreement reached by the parties on 7 May 1995 through the mediation of the United Nations Peace Forces Headquarters (UNPF-HQ) has been violated, in particular regarding the withdrawal of forces from the zones of separation,

Emphasizing the necessity for full compliance by the parties with the Cease-Fire Agreement of 29 March 1994 (S/1994/367), and stressing the importance of such compliance for the implementation of the mandate of the United Nations Confidence Restoration Operation in Croatia known as UNCRO,

Emphasizing further that withdrawal from the zones of separation is a condition for the implementation of the mandate of UNCRO,

Affirming its commitment to the search for an overall negotiated settlement of the conflicts in the former Yugoslavia ensuring the sovereignty and territorial integrity of all the States there within their internationally recognized borders and stressing the importance it attaches to the mutual recognition thereof, and in this context welcoming all international efforts to facilitate a negotiated solution to the conflict in the Republic of Croatia,

Emphasizing that full observance of human rights, including appropriate international monitoring thereof, in particular in the area of Western Slavonia known as Sector West, is an essential step towards restoration of confidence between the parties and building a durable peace,

Condemning in the strongest terms all unacceptable acts which were directed at the personnel of the United Nations peace-keeping forces and determined to obtain strict respect of the status of such personnel in the Republic of Croatia as provided for in the Agreement between the United Nations and the Government of the Republic of Croatia signed on 15 May 1995,

Reaffirming its determination to ensure the security and freedom of movement of the personnel of United Nations peace-keeping operations in the territory of the former Yugoslavia, and, to these ends, acting under Chapter VII of the Charter of the United Nations,

1. Reaffirms the statements of the President of the Security Council of 1 May 1995 and 4 May 1995 issued as a result of the military offensive launched by the forces of the Government of Croatia in the area of Western Slavonia known as Sector West on 1 May 1995 in violation of the Cease-Fire Agreement of 29 March 1994;

2. Notes with satisfaction the steps taken so far as to meet the requirements set out in the above-mentioned statements, but demands that the parties complete without further delay the withdrawal of all their troops from the zones of separation and refrain from any further violations of those zones;

3. Stresses the need for the early re-establishment of the authority of UNCRO in accordance with its mandate;

4. Requests the Secretary-General to make the necessary arrangements in order to ensure full deployment of UNCRO, after the withdrawal of the troops of the parties, as provided for in its mandate established by resolutions 981 (1995) and 990 (1995);

5. Demands that the status and the mandate of UNCRO as well as the safety and security of its personnel be respected;

6. Demands also that the Government of the Republic of Croatia respect fully the rights of the Serb population including their freedom of movement and allow access to this population by international humanitarian organizations, in conformity with internationally recognized standards;

7. Requests the Secretary-General, in cooperation with the United Nations High Commissioner for Refugees, the United Nations High Commissioner for Human Rights, the International Committee of the Red Cross and other relevant international humanitarian institutions, to assess the humanitarian situation of the local Serb population in Sector West, including the problem of refugees, and to report thereon as soon as possible;

8. Fully supports the efforts of the Special Representative of the Secretary-General to achieve the objectives outlined in the statements of the President of the Security Council of 1 May 1995 and of 4 May 1995 and requests the parties to cooperate fully to this end;

9. Calls upon the parties to respect the Economic Agreement signed by them on 2 December 1994 (S/1994/1375) and in particular to take all necessary steps to ensure the safety and security of the Zagreb-Belgrade Highway and its immediate environs as provided for in that Agreement;

10. Demands that the parties refrain from taking any further military measures or actions that could lead to the escalation of the situation and warns that in the event of failure to comply with this demand it will consider further steps needed to ensure such compliance;

11. Requests the Secretary-General to report to the Council for its consideration within two weeks on the implementation of the provisions of this resolution, including on the modalities for the implementation of the mandate of UNCRO in Sector West;

12. Decides to remain actively seized of the matter.

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General Assembly
Security Council

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17 May 1995
ENGLISH
ORIGINAL: SPANISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 42
THE SITUATION IN CENTRAL AMERICA:
PROCEDURES FOR THE ESTABLISHMENT OF A
FIRM AND LASTING PEACE AND PROGRESS
IN FASHIONING A REGION OF PEACE,
FREEDOM, DEMOCRACY AND DEVELOPMENT

SECURITY COUNCIL
Fiftieth year

Letter dated 18 April 1995 from the representatives of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama to the United Nations addressed to the Secretary-General

We have the honour to transmit to you herewith the following documents adopted by the Sixteenth Summit Meeting of the Presidents of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama and the Prime Minister of Belize:

- Declaration on the Strengthening of Peace and Security in the Central American Region, signed on 30 March 1995 (annex I);

- Declaration of Support for the Establishment and Operation of the Central American Radio Network (annex II);

- Agreement on the Santiago Declaration of 8 March 1995 (annex III);

- Declaration on the Situation in Nicaragua (annex IV);

- Declaration of San Salvador II (annex V);

- Programme of Immediate Action for Investment in Human Capital pursuant to the Declaration of San Salvador II (annex VI);

- Treaty on Central American Social Integration (annex VII).

We should be grateful if you would have this letter and its annexes distributed as a document of the forty-ninth session of the General Assembly, under agenda item 42, and of the Security Council.

(Signed) Fernando BERROCAL SOTO
Ambassador
Permanent Representative of
Costa Rica to the United Nations

(Signed) Ricardo G. CASTANEDA
Ambassador
Permanent Representative of
El Salvador to the United Nations

(Signed) Rafael CASTELLANOS-CARRILLO
Ambassador
Alternate Permanent Representative
Chargé d'affaires a.i. of the
Permanent Mission of Guatemala to
the United Nations

(Signed) Gerardo MARTINEZ-BLANCO
Ambassador
Permanent Representative of Honduras
to the United Nations

(Signed) Max STADTHAGEN
Counsellor
Chargé d'affaires a.i. of the
Permanent Mission of Nicaragua
to the United Nations

(Signed) Ruth DECEREGA SMITH
Deputy Permanent Representative
Chargé d'affaires a.i. of the
Permanent Mission of Panama to
the United Nations

(Signed) Edward A. LAING
Ambassador
Permanent Representative of
Belize to the United Nations

ANNEX I

Declaration on the Strengthening of Peace and Security in the Central American region

The Central American Presidents,

Considering the urgent need to strengthen the peace processes in Central America and thus to guarantee the stability and security which are essential to consolidation of the democratic political order and the economic and social development of our peoples,

Recognizing the tremendous importance for Central America of an early end to the armed conflict in Guatemala,

Aware that the necessary conditions exist in Central America for establishing a relationship of interdependence between an agenda for peace and an agenda for development and that, with the support and efforts of international solidarity, the region can become a model of conflict resolution, consolidated by peace and democracy through comprehensive development and the adoption of political solutions,

Reaffirming the joint commitment to eradicate the use of violence to achieve political power, the existence of illegal armed groups, terrorism and acts of destabilization as totally unwarranted actions in the region, in that they threaten the democratic system, the full exercise of human rights and the consolidation of peace and democracy in Central America,

Hereby agree:

1. To support the peace efforts promoted by the Government of Guatemala to bring about an early end to the internal armed conflict and thus to guarantee peace and security in that country and, consequently, in the region;

2. To reiterate the commitments made in the "Procedure for a Firm and Lasting Peace in Central America" (Esquipulas II) (A/42/521-S/19085), in particular, the commitment not to allow irregular or insurrectionist groups or forces to use their territory for military, logistical, financial or propaganda operations or for assembling troops, weapons, ammunition or any kind of equipment for the purpose of attacking or destabilizing any country in the region, nor to assist such groups or forces to that end;

3. To condemn any internal armed conflict in the region, since such conflicts have no place in democratic countries that are run by Governments elected freely by popular vote and in societies that are seeking development and reconciliation;

4. To condemn the actions of irregular groups, urging them to agree to an early cease-fire and appealing to them to refrain from terrorist acts and any other activities that jeopardize the rights of all citizens and particularly affect the physical safety and the property of civilians.

Hereby sign this Declaration at Cerro Verde, Republic of El Salvador, on 30 March 1995.

(Signed) José María FIGUERES OLSEN
President
Republic of Costa Rica

(Signed) Armando CALDERON SOL
President
Republic of El Salvador

(Signed) Ramiro DE LEON CARPIO
President
Republic of Guatemala

(Signed) Carlos Roberto REINA
President
Republic of Honduras

(Signed) Violeta BARRIOS DE CHAMORRO
President
Republic of Nicaragua

(Signed) Ernesto PEREZ BALLADARES
President
Republic of Panama

(Signed) Manuel ESQUIVEL
Prime Minister
Belize

ANNEX II

Declaration of Support for the Establishment and Operation of the Central American Radio Network

Convinced of the need to promote and implement the commitments entered into by our Governments in various fields, through mass dissemination campaigns aimed at increasing the awareness and involvement of our peoples, with a view to contributing to the attainment of the objectives of the integration process and of the Alliance for the Sustainable Development of Central America,

We hereby declare:

Our support for the establishment and operation of the Central American Radio Network, sponsored by the Governments, radio broadcasting associations and cooperating agencies of Central America, with a view to fostering coexistence, sustainable development, integration, peace, freedom, democracy, human rights, child welfare, health and education throughout the region. This action will be supplemented by the resolute cooperation of the region's telecommunications companies.

We hereby sign this Declaration at Cerro Verde, Republic of El Salvador, on 30 March 1995.

(Signed) José María FIGUERES OLSEN
President
Republic of Costa Rica

(Signed) Armando CALDERON SOL
President
Republic of El Salvador

(Signed) Ramiro DE LEON CARPIO
President
Republic of Guatemala

(Signed) Carlos Roberto REINA
President
Republic of Honduras

(Signed) Violeta BARRIOS DE CHAMORRO
President
Republic of Nicaragua

(Signed) Ernesto PEREZ BALLADARES
President
Republic of Panama

(Signed) Manuel ESQUIVEL
Prime Minister
Belize

ANNEX III

Agreement on the Santiago Declaration of 8 March 1995

Recognizing the importance of the Declaration adopted at Santiago, Chile, on 8 March 1995 in support of the joint implementation of the Framework Convention on Climate Change,

Considering that joint implementation gives the developing countries an opportunity to participate more effectively in the international market, while providing a new and additional source of resources to help attain the long-term objectives of sustainable development,

Hereby agree:

To endorse the Santiago Declaration aimed at launching a pilot phase in the execution of joint implementation programmes. Joint implementation offers a source of income from the private sector of developed countries that is additional to and separate from official international cooperation and that is provided as a counterpart contribution for the environmental services that our countries have always offered the world.

Hereby sign this agreement at Cerro Verde, Republic of El Salvador, on 30 March 1995.

(Signed) José María FIGUERES OLSEN
President
Republic of Costa Rica

(Signed) Armando CALDERON SOL
President
Republic of El Salvador

(Signed) Ramiro DE LEON CARPIO
President
Republic of Guatemala

(Signed) Carlos Roberto REINA
President
Republic of Honduras

(Signed) Violeta BARRIOS DE CHAMORRO
President
Republic of Nicaragua

(Signed) Ernesto PEREZ BALLADARES
President
Republic of Panama

(Signed) Manuel ESQUIVEL
Prime Minister
Belize

ANNEX IV

Declaration on the situation in Nicaragua

The Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Panama and the Prime Minister of Belize,

Considering the political will demonstrated by the Government of Nicaragua in opting for dialogue and negotiation as appropriate means of solving problems and guaranteeing harmonious national coexistence based on democratic principles and the rule of law,

Considering the tremendous progress made in building democracy in Nicaragua, which reflects the deep-seated desire of the people of Nicaragua to consolidate a new era of peace and reconciliation in the country,

Aware that the efforts of the Government of Nicaragua to resolve the differences existing between the executive and legislative branches pave the way for solving problems by the means afforded by democracy, without interrupting the democratic process in the country,

Hereby agree:

1. To support the process of institutional dialogue that has begun in Nicaragua among the four branches of government with a view to resolving their differences regarding constitutional reforms, differences which are understandable in a process of democratic transition;

2. To encourage the various branches of government in Nicaragua to continue their efforts to strengthen democracy and democratic institutions, consolidate the rule of law and find solutions to the problems that exist, within the legal framework in force.

Hereby sign this Agreement at Cerro Verde, Republic of El Salvador, on 30 March 1995.

(Signed) José María FIGUERES OLSEN
President
Republic of Costa Rica

(Signed) Armando CALDERON SOL
President
Republic of El Salvador

(Signed) Ramiro DE LEON CARPIO
President
Republic of Guatemala

(Signed) Carlos Roberto REINA
President
Republic of Honduras

(Signed) Ernesto PEREZ BALLADARES
President
Republic of Panama

(Signed) Manuel ESQUIVEL
Prime Minister
Belize

ANNEX V

Declaration of San Salvador II

We, the Central American Presidents and the Prime Minister of Belize, have met at San Salvador, Republic of El Salvador, to follow up and continue to promote the basic commitments stemming from the Alliance for the Sustainable Development of Central America and expressed in the agreements reached at Guácimo, Masaya and Tegucigalpa, which constitute a new regional agenda. On this occasion we have focused on the social sphere, in view of its high priority, with the aim of promoting sustainable human development; one issue of transcendent importance in this regard is investment in human capital.

To that end, we have issued the following:

DECLARATION OF SAN SALVADOR II

In order to progress further in fashioning a region of peace, freedom, democracy and development in Central America, we must unite our efforts in a spirit of solidarity to address the problems caused by widespread unemployment, social disintegration and poverty, which continues to affect a large proportion of the Central American population. The recent changes which have taken place in the region and the world as a result of the globalization of production, new computer-based technologies and new organizational methods have generated a series of challenges. Regional integration in the political, economic, social and cultural spheres, with due respect for pluralism and ethnic diversity, takes on particular relevance in this context.

To meet these challenges, and based on the conviction that development, peace and democracy are inextricably linked, we have adopted a regional strategy, manifested in the Alliance for Sustainable Development, which emphasizes investment in the social sphere and the joint planning and coordination of efforts and objectives under an economic and social development model that lays the groundwork for enhancing the well-being of our peoples.

Since human beings are the centre and the subject of sustainable development, it is essential to strengthen and, where necessary, create the conditions they require to realize their full potential. This involves broadening their opportunities for all-round participation in the various aspects of development, improving their quality of life and fostering their creative and productive capacity through solidarity. This is Central America's greatest challenge for the twenty-first century.

To that end, with the support and participation of society as a whole, we pledge to focus our investment efforts on human beings by expanding, creating and ensuring access to greater opportunities for education, training, science and technology, culture, food and nutrition, health, housing, water, sanitation, social security, productive employment and income for the entire Central American population. These efforts must be made in an atmosphere that promotes

the full exercise of civil, political, economic, social and cultural rights for present and future generations.

In accordance with the commitments that make up the new regional agenda and those agreed upon at the recent World Summit for Social Development, held at Copenhagen, we reaffirm our intention to take decisive action to fight poverty, generate employment in productive activities and promote social integration and cohesiveness, full respect for human dignity and universal respect for, and observance of, human rights, with particular emphasis on equity and equality of opportunity between men and women and on the rights of children, youth, the elderly and the disabled.

To ensure the viability of these objectives, we reiterate our commitment to increase substantially, and to use with more efficiency and transparency, the resources allocated to the social sphere; moreover, we invite the international community to join us in this effort by increasing cooperation for development and according special treatment to the issue of external debt. Likewise, we invite international financial institutions to support and finance our social development programmes, with special emphasis on investment in people as a prerequisite for improving our countries' integration in the international economy.

Aware that this effort requires the support and involvement of civil society at the national and regional levels, we undertake to promote the latter's organized participation in the formulation, implementation and evaluation of social policies, programmes and projects, as well as decentralization and the strengthening of development at the local level.

To reaffirm our commitment to improve the population's quality of life, we have signed the Treaty on Central American Social Integration, known as the Treaty of San Salvador, which was formulated and submitted by the Regional Social Affairs Commission. The Treaty establishes, within the Central American Integration System, the legal, institutional and operational framework for promoting Central American social integration; the Council for Social Integration shall be responsible for its implementation.

Lastly, we are sincerely grateful to the people and Government of El Salvador for their hospitality and their unfailing spirit of brotherly goodwill, which contributed significantly to the success of this meeting. We

have decided to hold the next Meeting of Central American Presidents in the Republic of Honduras.

Cerro Verde, Republic of El Salvador, 30 March 1995.

(Signed) José María FIGUERES OLSEN
President
Republic of Costa Rica

(Signed) Armando CALDERON SOL
President
Republic of El Salvador

(Signed) Ramiro DE LEON CARPIO
President
Republic of Guatemala

(Signed) Carlos Roberto REINA
President
Republic of Honduras

(Signed) Violeta BARRIOS DE CHAMORRO
President
Republic of Nicaragua

(Signed) Ernesto PEREZ BALLADARES
President
Republic of Panama

(Signed) Manuel ESQUIVEL
Prime Minister
Belize

ANNEX VI

Programme of Immediate Action for Investment in Human Capital pursuant to the Declaration of San Salvador II

1. We enjoin the Council for Social Integration to formulate and adopt, by no later than September 1995 and in consultation with the advisory body, the Council of Ministers of Social Affairs and the Consultative Committee, a regional social policy based on the general guidelines agreed upon in this programme.

2. We enjoin the Ministers of Planning and Finance to put in place, by no later than November 1995, new national and regional mechanisms for increasing the funding of social development investment programmes, particularly anti-poverty and management evaluation programmes. These mechanisms must also seek to ensure increased involvement of and support from the business sector, local governments and communities.

3. We request the Regional Consultative Group for Central America, as one of its more immediate tasks, to convene a meeting of cooperating agencies to expand existing mechanisms for international cooperation and identify new ones, in order to supplement national efforts.

4. We undertake to elaborate a proposal for updating and harmonizing national laws on the family, from the new perspective of protecting and promoting the rights of families, and we instruct the Council for Social Integration and the corresponding national institutions to draw up such a proposal in consultation with the Central American Court of Justice and the Central American Parliament.

5. We undertake to consolidate the national offices for women in each country, elevating them to the rank of high-level governmental decision-making bodies, so that they can support the advancement of women. We likewise undertake to design and put in place mechanisms to guarantee equal opportunities for women with respect to training, employment, production resources and new technologies, promoting their full participation in the democratic process, in public administration at the national and local levels and in such decision-making bodies as society as a whole may see fit.

6. In fulfilment of the agreements entered into at the World Summit for Children and with emphasis on the Nariño Commitment, we enjoin the corresponding national institutions to review and update their national plans for children and to transmit that updated information to the Council for Social Integration by no later than July 1995, so that it can consolidate and analyse the progress made and assign increased resources for comprehensive child welfare programmes.

7. We undertake to draw up a Central American plan of action for the technical and vocational training of the labour force, involving greater private-sector participation, horizontal cooperation and the incorporation into training curricula of advances in science and technology, changes in production processes and new market trends. To this end, we enjoin the Ministers of Education and

Labour, in coordination with the corresponding national institutions, to draw up the above-mentioned plan and submit it to the Council for Social Integration.

8. We undertake to prepare a proposal containing mechanisms to help micro- and small enterprises and the informal sector increase their productivity and become more fully integrated in the formal economy. In this regard, we enjoin the Ministers of Planning or Social Affairs, in coordination with the corresponding national and regional bodies, to prepare the proposal, which should also provide for the streamlining of governmental mechanisms in order to help achieve this objective. The proposal will have to be submitted to the Council for Social Integration in October 1995.

9. We undertake to develop a programme of health education and promotion which encourages comprehensive health, reinforces healthy lifestyles and develops responsibility for individual and collective health, fostering community participation and horizontal cooperation. We therefore instruct the Ministers of Education and Health jointly to undertake, by no later than the last quarter of 1995, the relevant action to comply with this mandate.

10. We enjoin the Council for Social Integration to undertake, in coordination with the Meeting of the Central American Health Sector, the relevant action to identify funding mechanisms to permit the implementation of phase III of the Central American Health Initiative.

11. We undertake to formulate and implement a regional programme of training and exchanges of experience on the modernization of public sector institutions, particularly in the social field, in order to achieve greater efficiency, quality and coverage in the provision of services and greater transparency and responsibility in the use of resources. We entrust that activity to the national bodies responsible for modernization so that, with the support of the Central American Institute of Public Administration, they can submit to the Council for Social Integration, by no later than September 1995, a programme proposal that envisages sources for its funding.

12. We enjoin the Ministers of Labour and the Economy to present to the next regular Meeting of Central American Presidents a proposal on wage and job-creation policy, together with a proposal on the means of harmonizing labour, welfare and social security legislation in Central America.

13. We enjoin the Council for Social Integration to present to the next regular Meeting of Central American Presidents a follow-up report on the tasks assigned to the Council in the present Programme of Immediate Action for Investment in Human Capital pursuant to the Declaration of San Salvador II.

14. We hereby agree to request the Inter-American Development Bank, through the Regional Consultative Group for Central America and in coordination with the United Nations Economic Commission for Latin America and the Caribbean, to supplement the action that is being taken by evaluating the operational management of the organs and institutions for Central American integration, so as to modernize them with a view to making their procedures and results more effective and efficient, in accordance with the priorities and terms of reference to be adopted by the principal coordinating body of the Central

American Integration System. To this end, we enjoin regional integration bodies to cooperate as fully as possible in this effort. The evaluation will have to be carried out with the participation of eminent Central Americans whose viewpoint is clear and objective.

15. We reiterate to the Inter-American Development Bank the high priority that we attach to having a regional strategy for human resources training which takes into account our needs in the areas of modernization of the State, labour productivity and the training of managers for subregional and hemispheric integration. We also enjoin it to attempt to streamline the national and regional bodies responsible for coordination in this area and to strengthen the specialized regional bodies. We also urge the United Nations Economic Commission for Latin America and the Caribbean to take these needs into consideration and to give us its fullest support in these efforts.

We hereby sign this Programme of Immediate Action for Investment in Human Capital pursuant to the Declaration of San Salvador II, at Cerro Verde, Republic of El Salvador, on 30 March 1995.

(Signed) José María FIGUERES OLSEN
President
Republic of Costa Rica

(Signed) Armando CALDERON SOL
President
Republic of El Salvador

(Signed) Ramiro DE LEON CARPIO
President
Republic of Guatemala

(Signed) Carlos Roberto REINA
President
Republic of Honduras

(Signed) Violeta BARRIOS DE CHAMORRO
President
Republic of Nicaragua

(Signed) Ernesto PEREZ BALLADARES
President
Republic of Panama

(Signed) Manuel ESQUIVEL
Prime Minister
Belize

ANNEX VII

Treaty on Central American Social Integration

The Governments of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama,

Considering:

That they are parties to the Tegucigalpa Protocol of 13 December 1991, which created the Central American Integration System (hereinafter referred to as SICA) as a legal and institutional framework for the overall integration of Central America, and that, within that System, the social sector constitutes a subsystem for integration in the social area;

That in the general content of the aforementioned Tegucigalpa Protocol, as well as in its supplementary agreements or associated instruments and in the regional strategy known as the Alliance for the Sustainable Development of Central America, social aspects form an integral and inseparable part of the set of measures adopted by the Central American countries in the political, economic, cultural and environmental spheres;

The need to establish a legal and institutional framework in the social field, based on the premise that the human person is the centre and the primary subject of development, with the objective of ensuring a substantial improvement in the quality of life of the Central American peoples;

The importance of the active participation of the various components of civil society in bringing about the social integration of Central America, and the need to involve civil society creatively and permanently in efforts to ensure that our peoples can live together in a climate of equity, justice and development,

Accordingly decide:

To conclude this Treaty on Central American Social Integration.

SECTION I

NATURE AND CONCEPT OF THE PROCESS OF CENTRAL AMERICAN SOCIAL INTEGRATION

Article 1. The States parties undertake to bring about the social integration of Central America in a voluntary, gradual, complementary and progressive manner, in order to promote increased opportunities and a better quality of life and work for the population of Central America, ensuring that they share fully in the benefits of sustainable development.

Article 2. Social integration shall entail the implementation of a series of policies, mechanisms and procedures which, in accordance with the principle

of mutual cooperation and collective support, shall guarantee both the access of the entire population to basic services and the full development of the potential of the men and women of Central America, based on overcoming the structural determinants of poverty, which affects a large proportion of the population of the Central American region.

Article 3. This instrument, which complements and derives from the Tegucigalpa Protocol, organizes, regulates and structures the social subsystem, which covers the social area of SICA.

Article 4. The process of social integration shall be promoted through the coordination, harmonization and convergence of national social policies among themselves and with other SICA policies.

Article 5. The process of social integration shall be implemented within the legal and institutional framework of SICA, in accordance with each country's own realities, characteristics and evolution, respecting the values and cultures of the various ethnic groups and of the Central American community as a whole.

SECTION II

PRINCIPLES, OBJECTIVES AND SCOPE OF THE PROCESS OF CENTRAL AMERICAN SOCIAL INTEGRATION

Article 6. Principles. The States parties shall proceed in accordance with the following principles:

(a) Respect for life in all its forms, and recognition of social development as a universal right;

(b) The concept of the human person as the centre and subject of development, which requires the adoption of an overall approach linking the various aspects of development in order to promote sustainable social development;

(c) Consideration of the family as the essential nucleus of society and the focus of social policy;

(d) Promotion of peace and democracy as basic forms of human coexistence;

(e) Non-discrimination on grounds of nationality, race, ethnic origin, age, illness, disability, religion, sex, ideology, marital or family status or any other kind of social exclusion;

(f) Harmonious coexistence with the environment and respect for natural resources;

(g) Condemnation of all forms of violence;

(h) Promotion of universal access to health care, education, housing and healthy recreation and to decent economic activity with fair remuneration;

(i) Preservation and recovery of the region's cultural pluralism and ethnic diversity, within a framework of respect for human rights;

(j) Active support for an inclusion of community participation in the management of social development.

Article 7. Pursuant to and in fulfilment of the objectives laid down in the Tegucigalpa Protocol, the States parties shall also pursue the following objectives:

(a) To achieve the comprehensive, sustainable development of the population of Central America within a framework of equity, subsidiarity, shared responsibility and self-management, through the promotion of solidarity among societies and cooperation among individuals, families, communities and peoples in the region;

(b) To attain regional conditions of well-being and social and economic justice for peoples, within a broad regime of liberty which ensures the full development of the individual and society;

(c) To promote, in a harmonious and balanced manner, the sustainable social development of the States parties and of the region as a whole, based on the eradication of poverty, social participation and environmental protection;

(d) To encourage economic and administrative decentralization in the design and implementation of social policies;

(e) To promote equality of opportunity among all persons, eliminating practices of legal or de facto discrimination;

(f) To give priority to the promotion of investment in the human person with a view to the latter's all-round development.

Article 8. Scope. The State parties undertake:

(a) To achieve the sustainable development of the population of Central America, combining political tolerance, democratic coexistence and economic growth with social progress and ensuring the healthy functioning of ecosystems vital for human life, on the basis of an effective dialogue enabling Governments and other sectors of society to act in solidarity;

(b) To identify and tackle regional social problems jointly, within a framework of sustainable development;

(c) To promote the gradual and progressive harmonization of their social policies, with the object of laying the foundations for a Central American Community;

(d) To take advantage of economies of scale and various strengths in the social field, promoting horizontal cooperation;

(e) To improve and strengthen the allocation of resources in the area of social spending and investment in order to overcome the structural determinants of poverty, giving priority to the least advantaged groups;

(f) To propose medium- and long-term policies for ensuring the attainment of the objectives and goals of the programmes of the social subsystem;

(g) To set up mechanisms for cooperation and the exchange of methodologies, resources and technologies among the member countries;

(h) To promote the strengthening of local governments and the organization of local communities.

SECTION III

INSTITUTIONAL ORGANIZATION

Article 9. The social integration subsystem shall comprise:

1. Organs:

(a) The Council for Social Integration;

(b) The Council of Ministers of Social Affairs;

(c) The Secretariat for Social Integration.

2. Advisory body:

The advisory and consultative body composed of the spouse of the President or a personal representative of the President of each country, which shall hold regular meetings during the Meetings of Presidents and special meetings when so desired.

3. Institutions:

Those SICA institutions which deal primarily with social issues shall work directly with the social integration subsystem. Support for the attainment of the objectives of this Treaty shall be provided, in particular, by the following institutions:

(a) The Institute of Nutrition of Central America and Panama;

(b) The Central American Bank for Economic Integration;

(c) The Central American Institute of Public Administration (ICAP).

4. Consultative Committee:

The Consultative Committee on Social Integration shall be composed of the various representative sectors of the region which are involved in the Central American social integration effort.

Article 10. Such other entities or institutions as are established or recognized by the States parties during the social integration process shall also form part of the social integration subsystem. The institutions referred to in article 9, paragraph 3, shall retain their full functional autonomy in accordance with their respective constituent treaties or agreements.

Article 11. The Council for Social Integration:

1. The Council for Social Integration shall be composed of the coordinating minister of the social cabinet of each country and, in his or her absence, the deputy minister.

2. The Council for Social Integration shall have, inter alia, the following functions:

(a) To comply with and enforce the provisions of this Treaty;

(b) To coordinate and promote the social integration subsystem;

(c) To formulate, evaluate and update regional social policy, with a view to putting together a programme of work that will make it possible to rationalize and coordinate social development efforts. The guidelines to be adopted by the Meeting of Central American Presidents in this regard and the overall policies deriving from supplementary instruments shall form an integral part of this Treaty;

(d) To promote the coherence of agreements reached by Central American social bodies;

(e) To establish criteria and formulate proposals for joint participation by the Central American countries in international meetings or forums dealing with social issues;

(f) To promote and follow up the social agreements adopted at the Meetings of Presidents, elaborating, analysing and transmitting proposals in the social area for presentation, through the competent bodies, in accordance with the provisions of the Tegucigalpa Protocol;

(g) To mobilize the necessary institutional, human and financial resources for carrying out regional initiatives defined by the Council, in accordance with the mechanisms established by SICA;

(h) To meet with representatives of ministries in other areas if the interrelationship of social issues so warrants;

(i) To perform any other function which the Meetings of Presidents may establish in the area of social integration.

3. The Council for Social Integration shall meet during the Meetings of Presidents, and whenever it deems appropriate, to coordinate and promote the social integration process, and may convene meetings of the advisory body in exercise of its functions.

Article 12. The Council of Ministers of Social Affairs shall comprise the Meeting of Ministers for each social area, which shall consider specific topics of relevance to its work and within its sphere of competence, and the Intersectoral Meeting of Ministers for these areas, which shall coordinate decisions regarding Central American social integration. To this same end, similar meetings of representatives of specialized national entities not included in this section may also be held.

Article 13. Secretariat for Social Integration:

The Secretariat for Social Integration shall be the technical and administrative organ of the Central American social integration process. It shall also act as secretariat for those organs which do not have their own secretariat.

The Secretariat for Social Integration shall be headed by a Secretary appointed by the Council for Social Integration for a period of four years. The Secretary shall be the legal representative of the Secretariat.

The Council for Social Integration shall regulate the administrative and budgetary organization and define the functions and attributes of the Secretariat for Social Integration.

Article 14. The Secretariat for Social Integration shall have the following functions:

(1) To ensure, at the regional level, the proper implementation of this Treaty and other legal instruments concerning regional social integration, and the implementation of decisions of the organs of the social subsystem;

(2) To monitor the attainment of the objectives and goals of programmes and projects defined within this framework;

(3) To carry out such activities as the Council for Social Integration assigns to it. It shall have the power to make proposals concerning social issues;

(4) To serve as liaison for the activities of the sectoral secretariats of the social subsystem and to ensure coordination with the General Secretariat of the Central American Integration System in accordance with the provisions of article 8 of the Tegucigalpa Protocol and in exercise of its functional autonomy.

Article 15. Meetings:

1. Meetings of organs of the social integration subsystem shall be convened by means of written notification from the respective secretariats and by agreement of their members.

2. The presence of a simple majority of representatives of all the member countries shall constitute a quorum for such meetings.

3. If, for lack of a quorum, a meeting cannot be held on the date indicated in the first notification, it may be held on the date specified in a second notification to consider the same agenda and with such members as are present. If the agenda includes an item which relates solely and exclusively to a given country, it shall not be discussed unless the country concerned is present, without prejudice to the consideration of other items on the agenda.

4. Decisions of organs of the social subsystem shall be adopted by a consensus of their members, which may be reached through meetings and/or through official written communications. The absence of a consensus shall not prevent the adoption of decisions by some of the countries, but such decisions shall be binding only on those countries. If a member country has not attended a meeting of the organ in question, it may inform the respective secretariat in writing that it endorses the decision.

Article 16. The Consultative Committee on Social Integration shall be a sectoral committee of a purely consultative nature. It shall advise the Secretariat for Social Integration and shall work with the Consultative Committee of SICA in the context of article 12 of the Tegucigalpa Protocol.

SECTION IV

ADMINISTRATIVE ACTION

Article 17.

1. Administrative action by the social integration subsystem shall take the form of resolutions, regulations, agreements and recommendations.

2. Resolutions shall be binding actions through which the Council for Social Integration and the Council of Ministers of Social Affairs, within their respective spheres of competence, take decisions relating to the internal affairs of the subsystem.

3. Regulations shall be general actions which are binding in all their aspects and directly applicable in all the States parties.

4. Agreements shall be specific or individual in nature and shall be binding on those concerned.

5. Recommendations shall contain guidelines which are binding only as regards their objectives and principles and serve for the drafting of resolutions, regulations or agreements.

6. The secretariats of organs of the social subsystem shall provide the Secretariat for Social Integration with a record of all their decisions.

7. Resolutions, regulations and agreements shall be deposited with the General Secretariat of SICA and shall enter into force on the date on which they are adopted, unless another date is specified therein.

8. Resolutions and regulations shall be published in the official gazettes of the States parties.

SECTION V

SPECIAL AND FINAL PROVISIONS

Article 18. The Secretariat for Social Integration shall have legal personality under international law and shall sign a headquarters agreement with the Government of the State in which it is located.

Article 19. It shall have its headquarters in Panama City, Republic of Panama.

Article 20. The organs, institutions and staff of the social integration subsystem shall enjoy in the territory of the States parties the privileges and immunities which those States grant to regional institutions within the framework of SICA.

Article 21.

1. This Treaty shall be submitted for ratification in each signatory State, in accordance with its respective constitutional norms and norms of ordinary law.

2. The instruments of ratification shall be deposited with the General Secretariat of SICA.

3. This Treaty shall be of indefinite duration and shall enter into force, for the first three depositors, eight days after the date of deposit of the third instrument of ratification and, for the others, on the date of deposit of their respective instruments of ratification.

4. This instrument may be denounced by any of the parties. Such denunciation shall take effect five years after it is presented, but the Treaty shall remain in force among the other States for as long as at least two of them remain parties thereto.

Article 22. This Treaty shall be deposited with the General Secretariat of SICA which, on its entry into force, shall send a certified copy thereof to the

Secretariat of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

Article 23. No reservations whatsoever shall be made to this Treaty.

Transitional article. Until such time as a financing system is established, the States parties shall continue to contribute to the operating costs of the Secretariat for Social Integration.

IN WITNESS WHEREOF, the Presidents of the Central American Republics sign this Treaty, which shall be known as the Treaty of San Salvador, at Cerro Verde, Republic of El Salvador, on 30 March 1995.

(Signed) José María FIGUERES OLSEN
President
Republic of Costa Rica

(Signed) Armando CALDERON SOL
President
Republic of El Salvador

(Signed) Ramiro DE LEON CARPIO
President
Republic of Guatemala

(Signed) Carlos Roberto REINA
President
Republic of Honduras

(Signed) Violeta BARRIOS DE CHAMORRO
President
Republic of Nicaragua

(Signed) Ernesto PEREZ BALLADARES
President
Republic of Panama